

EXHIBIT “A”

EXHIBIT “A”

Electronically Issued
3/21/2019 2:24 PM

SUMM

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NO: A-19-791535-C
Department 20

SHARON McDANIEL,

Plaintiff,

v.

MARIO A. SUAREZ; ALMANZA TRUCKING
LLC, an Arizona Limited-Liability Company; DOES
I through X, inclusive; and ROE CORPORATIONS
I through X, inclusive,

Defendants.

Case No.

Dept. No.

PERSONAL INJURY

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A Civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

ALMANZA TRUCKING LL
c/o Jesus Eduardo Almanza, Statutory Agent
3543 W. Minton Road
Laveen, AZ 85339

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

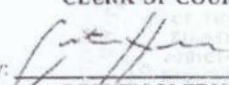
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at direction of:


MICHAEL A. MCCOSKER, ESQ.
Attorney for Plaintiff
Nevada Bar #7816
Craig P. Kenny & Associates
501 S. Eighth Street
Las Vegas, NV 89101
(702) 380-2800

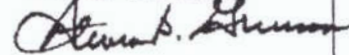
STEVEN D. GRIERSON
CLERK OF COURT

By:

 3/21/2019
DEPUTY CLERK Courtne Hoskin
County Courthouse
200 Lewis Avenue
Las Vegas, Nevada 89155

NOTE: When service is by publication, add a brief statement of the object of the action.

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3/21/2019 2:23 PM
Steven D. Grierson
CLERK OF THE COURT



COMP
MICHAEL A. McOSKER, ESQ.
Bar No. 7816
CRAIG P. KENNY & ASSOCIATES
501 S. 8th Street
Las Vegas, Nevada 89101
(702) 380-2800
Attorneys for Plaintiff

CASE NO: A-19-791535-C
Department 20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SHARON McDANIEL,

Plaintiffs,

v.

MARIO A. SUAREZ; ALMANZA
TRUCKING LLC, an Arizona Limited-
Liability Company; DOES I through X,
inclusive; and ROE CORPORATIONS I,
through X, inclusive

Defendants.

Case No.

Dept No.

**Exempt from Arbitration
Amount in excess of \$50,000.00**

COMPLAINT

Plaintiff SHARON McDANIEL ("Plaintiff"), by and through her attorneys CRAIG P. KENNY & ASSOCIATES, hereby alleges as follows:

1. That at all times mentioned herein and material hereto, Plaintiff is and was a resident of Clark County, Nevada.

2. That Defendant MARIO A. SUAREZ ("SUAREZ") was and is, at all times mentioned herein, a resident of Mesa, Arizona.

3. That Defendant ALMANZA TRUCKING LLC ("ALMANZA TRUCKING") is and was an Arizona Limited-Liability Company duly authorized to conduct business in the State of Nevada.

4. That all times mentioned in this Complaint, Defendant SUAREZ was operating and driving a 2008 Kenworth flatbed semi truck owned by Defendant ALMANZA TRUCKING on Lake Mead Boulevard at the Hollywood Boulevard intersection in Clark County, Nevada.

5. That at all times mentioned herein, Defendant SUAREZ was an employee and/or agent

1 of Defendants ALMANZA TRUCKING, DOES I through X, and/or ROE CORPORATIONS I through
2 X, and that all acts or omissions mentioned herein which were performed by Defendant SUAREZ, were
3 performed within the course and scope of his employment/agency with said Defendants.

4 6. The true names and capacities, whether individual, corporate, associate, or otherwise, of
5 the Defendants named herein as DOES I through X and ROE CORPORATIONS I through X, inclusive,
6 are unknown to Plaintiff at this time and Plaintiff, therefore, sues said Defendants by such fictitious
7 names. Plaintiff is informed and believes and, therefore, alleges that each of the Defendants designated
8 herein as DOE are responsible in some manner for the events and happenings referred to and caused
9 damages proximately to Plaintiff as hereinafter alleged, and Plaintiff will ask leave of this Court to
10 amend her Complaint to insert the true names and capacities of said DOES when the same become
11 ascertained, and join said Defendants in this action.

12 7. That on August 17, 2017 at approximately 2:52 p.m in Las Vegas, Clark County, Nevada,
13 Plaintiff was stopped facing eastbound for the red traffic signal on Lake Mead Boulevard at the
14 Hollywood Boulevard intersection in the left turn lane. Defendant Suarez was traveling westbound on
15 Lake Mead Boulevard when he failed to use due care as he approached the intersection, failed to stop
16 for the red light, entered the intersection and slammed into the front of the Plaintiff's vehicle head-on.
17 The force of the impact caused Plaintiff's vehicle to then collide into two other vehicles that were also
18 stopped eastbound on Lake Mead Boulevard. As a result of the collision, the Plaintiff's vehicle was
19 destroyed, she was taken by ambulance to the hospital and sustained multiple injuries.

20 8. Plaintiff alleges that Defendant Suarez's negligence in failing to use due care, failing to
21 maintain his lane, disregarding a traffic control device and colliding with Plaintiff's vehicle, resulting
22 in a multi-vehicle accident, was the proximate and legal cause of this accident.

23 9. Plaintiff alleges that since Defendant SUAREZ's negligence was committed while he
24 was acting within the course and scope of his employment with Defendant ALMANZA TRUCKING,
25 DOES I through X, and/or ROE CORPORATIONS I through X, and these Defendants are vicariously
26 liable for the negligence of Defendant SUAREZ pursuant to the doctrine of respondeat superior.

27 10. Plaintiff alleges that Defendant SUAREZ's negligence was committed while he was
28 acting under the direct supervision of his employer, Defendant ALMANZA TRUCKING, who failed

1 to properly supervise, monitor, and regulate the behavior of its employee, SUAREZ. As a direct result
2 of this negligent supervision, Plaintiff was injured.

3 11. Plaintiff alleges that prior to this accident, Defendant ALMANZA TRUCKING knew of
4 Defendant SUAREZ's poor driving record. Nonetheless, ALMANZA TRUCKING still directed
5 SUAREZ to operate, as part of his job duties, the motor vehicle involved in the subject accident. In
6 allowing SUAREZ to drive the vehicle even though it knew that he was an unsafe driver, Defendant
7 ALMANZA TRUCKING is liable for negligent entrustment of the vehicle to SUAREZ.

8 12. At all times mentioned herein, the subject semi truck was defective, hazardous and not
9 fit for the purposes for which it was intended, was not of good and safe working condition, was
10 unreasonably dangerous for the purposes which it was intended, and, as a proximate result of the
11 negligence of Defendants, Plaintiff suffered serious and disabling injuries together with other economic
12 losses in an amount in excess of \$15,000.00.

13 13. That as a direct and proximate result of the aforesaid negligence of Defendants, Plaintiff
14 suffered serious and disabling injuries together with other economic losses in an amount in excess of
15 \$15,000.00.

16 14. That as a further direct and proximate result of the aforesaid negligence of Defendants
17 and each of them, Plaintiff has been and will in the future be caused to expend sums of money for
18 medical care and expenses, the total amount of which cannot at this time be determined.

19 15. That as a further direct and proximate result of the aforesaid negligence of Defendants,
20 and each of them, Plaintiff suffered great pain, mental anguish, loss of enjoyment of life and has been
21 prevented from attending and participating in her usual activities.

22 16. That it has been necessary for Plaintiff to retain legal counsel and therefore Plaintiff is
23 entitled to reasonable attorneys fees and costs as damages in this action.

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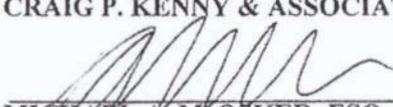
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2 WHEREFORE, Plaintiff prays for a judgment against Defendants as follows:

- 3 1. For general damages in a sum in excess of \$15,000.00;
4 2. For special damages in an amount to be ascertained at trial;
5 3. For reasonable attorneys fees, costs, and prejudgment interest; and,
6 4. For such other and further relief as the Court may deem appropriate.

7
8 DATED this 12 day of March, 2019.

9
10 CRAIG P. KENNY & ASSOCIATES

11 
12 MICHAEL A. McOSKER, ESQ.

13 Nevada Bar No. 7816
14 501 S. 8th Street
15 Las Vegas, Nevada 89101
16 Attorneys for Plaintiff
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